

BB
BIO

determining, when it is ascertained at said determination step that said person [is not prepared to handle said] cannot manage the response, a re-response procedure[s] that is different from the determined response procedure leading to the response which could not be managed by said person at said response procedure determination step, preparing re-response information at said response information preparation step in accordance with [said] the re-response procedure[s], and outputting [said] the re-response information at said response information output step.

REMARKS

Reconsideration and allowance of the subject application are respectfully requested.

Claims 1-24, 26-42, 44-49, 51-75, 77-93, 95-100, 102-106 are pending in the present application, with Claims 19, 38, 44, 70, 89, 95 and 104-106 being independent. Claims 1, 19, 38, 44, 52, 70, 89, 95, and 103-106 have been amended. Claims 43, 50, 94, and 101 have been canceled.

Claims 1-6, 12-15, 19, 20, 23-25, 27, 32-37, 52-57, 63-66, 70, 71, 74-76, 78, 83-88, 103, and 104 have been rejected under 35 U.S.C. § 103 as being obvious over Morgan et al. (U.S.

Patent No. 5,220,674).¹ Claims 7-9 and 58-60 have been rejected as being obvious over Morgan in view of Kageyama et al. (U.S. Patent No. 5,625,757). Claims 10, 11, 16, 18, 61, 62, 67, and 69 have been rejected as being obvious over Morgan in view of Wernikoff et al. (U.S. Patent No. 3,751,582). Claims 17 and 18 have been rejected as being obvious over Morgan in view of Barrett (U.S. Patent No. 5,852,746). Claims 21, 22, 26, 28-31, 38-51, 72, 73, 77, 79-82, 89-102, 105, and 106 have been rejected as being obvious over Morgan in view of Hayashi et al. (U.S. Patent No. 5,485,246).

The cancellation of Claims 43, 50, 94 and 101 renders moot the respective rejections of those claims. Applicants submit the following comments with respect to the remaining pending claims.

Claim 19, 70 and 104

Amended Claim 19 is directed to, *inter alia*, a response apparatus including means for acquiring a status of a machine to be checked, determining a response procedure in accordance with the acquired status of the machine to be checked,

¹ The rejection to Claims 25 and 76 are improper as those claims were canceled in the Amendment dated January 13, 2000. Applicants will thus assume that any rejections to those claims are moot.

determining a response addressee depending upon the acquired status of the machine to be checked, and outputting prepared response information to the determined response addressee. None of the cited references, alone or in combination, disclose at least these claimed features.

Morgan merely shows a local area print server that provides resources the printing system may need and informs other components of the data processing system of the status of the printing system (col. 3, lines 16-25, of Morgan). In particular, Morgan discloses a system for responding to status queries from other components that are part of the network (col. 7, lines 30-42, of Morgan). Nowhere does Morgan disclose or suggest determining of a response addressee upon an acquired status of a machine to be checked, as recited in amended Claim 19.

The remaining cited references, Hayashi, Kageyama, Barrett and Wernikoff, do not remedy the failure of Morgan to describe or suggest this claimed feature. Accordingly, Applicant submits that Claim 19 is allowable. Claim 70 is a method and Claim 104 is a storage medium directed to similar subject matter as Claim 19, and therefore, these claims also are allowable for the reasons discussed above.

Claims 38, 44, 89, 95, 105, and 106

Amended independent Claim 38 is directed to, *inter alia*, re-response control means. When it has been ascertained that a response has failed, the re-response control means permit the determination of a re-response procedure that is different from the response procedure that led to the failed response.

Amended independent Claim 44 is also directed, *inter alia*, to re-response control means. In this case, when it has been determined that a person cannot manage a response, the re-response control means permit the determination of a re-response procedure that is different from the response procedure which led to the unmanageable response.

None of the cited references, alone or in combination, disclose at least these claimed features.

In particular, as conceded at page 10, line 20, of the Office Action, Morgan does not disclose the response result determination means and the re-response control means of original Claim 38. In addition, as conceded at page 11, line 13, of the Office Action, Morgan does not disclose the determination means of original Claim 44.

Fig. 52 of Hayashi is cited in the Official Action as disclosing a system to *repeat the same procedure* that led to the failed response. Hayashi, however, does not teach or suggest the

re-response control means that permit the determination of a re-response procedure that is different from the response procedure that led to the failed response (amended Claim 38) or to the unmanageable response (amended Claim 44).

The remaining cited references, Kageyama, Wernikoff, and Barrett, do not remedy the failure of Morgan and Hayashi to describe or suggest these claimed features. Accordingly, Applicants submits that independent amended Claims 38 and 44 are allowable. Applicants further submit that independent amended Claims 89, 95, 105 and 106 are also are allowable for the same reasons as Claims 38 and 44 discussed above.

The other claims in this application are each dependent from one or another of the independent claims discussed above and are therefore believed patentable for the same reasons. Since each dependent claim is also deemed to define an additional aspect of the invention, however, the individual reconsideration of the patentability of each on its own merits is respectfully requested.

In view of the foregoing amendments and remarks, Applicants respectfully request favorable reconsideration and early passage to issue of the present application.

In view of the fact that the only amendments to the claims have been to define more clearly the present invention,

Applicants submit that the claims do not raise new issues that would require further search or consideration. Moreover, Applicant has canceled claims and has not added any new claims, thus materially reducing the issues in the case. Accordingly, Applicant respectfully requests that the above amendment be entered under 37 C.F.R. § 1.116.

Applicants' undersigned attorney may be reached in our New York office by telephone at (212) 218-2100. All correspondence should continue to be directed to our below-listed address.

Respectfully submitted,



Attorney for Applicants

Registration No. 39,832

FITZPATRICK, CELLA, HARPER & SCINTO
30 Rockefeller Plaza
New York, New York 10112-3801
Facsimile: (212) 218-2200